

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Acting Development Services Director

PREPARED BY: Daniel J. Stallone, Esq. Code Compliance Official

SUBJECT: Nuisance Abatement Options

AFFECTED DISTRICT: 4

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: Nuisance Abatement

REPORT IN BRIEF: The Code Compliance Division has had an ongoing code enforcement action against the Estate of Irving C. Losee at its ten (10) acre property located at 2175 SW 148 Avenue. The case is related to the status of nuisance Australian pines and their removal. The Town's landscape inspectors marked sixty-seven (67) Australian pines on the subject property for removal due to disease, damage or lack of structural integrity. Additionally, with drought conditions affecting the location, the Fire Department and Code Compliance Division town requested the creation of a fire buffer which would consist of a fifty (50) foot buffer cleared of Australian pines and other non-native species.

The probate of the estate has delayed the Losee estate's ability to comply. The Town is negotiating with the attorney for the estate to agree to allow the Town on the property to abate the nuisance prior to initiation of litigation. At the April 2, 2008 Town Council meeting, staff presented two options to abate the nuisance. Staff was directed to get estimates on the cost of removal of the nuisance trees and to initiate an agreement with the estate.

The following information is provided as a follow up to that meeting:

Nuisance Abatement Costs

Early estimates of work were valued at almost one thousand dollars (\$1,000) per tree. It was estimated that such a buffer area may require the removal of two hundred (200) Australian pines, etc. Therefore, the original estimates for achieving compliance through nuisance abatement by the town could exceed two hundred thousand dollars (\$200,000).

Staff is awaiting estimates from three (3) additional vendors. The scope of work is to include:

- 1) The cutting and removal of the sixty-seven (67) marked Australian pines located along the south border of the property adjacent to SW 21st street and, also along the eastern property border adjacent to a town recreational trail and residential properties.
- 2) The cutting and removal of all Australian pines and other invasive species located within a fifty (50) foot buffer area measured from the exterior boundaries of the subject property inwards and to encompass all four sides of the parcel.

At this time, Code Compliance has received one estimate; the estimate is significantly less than the original amount expected for abatement of the nuisance Australian pines.

The Agreement

The agreement has been revised and it is anticipated that it will be signed before the Town Council meeting.

PREVIOUS ACTIONS: At the April 2, 2008 meeting, Town Council requested additional information from staff on this situation.

CONCURRENCES:

FISCAL IMPACT: Yes

Has request been budgeted? No

What account will funds be appropriated from: Nuisance Abatement

Additional Comments: An informal bid shall be required to be undertaken if the Town Council and Town Administrator agree that the projected amount to abate the nuisance is reasonable; the Nuisance Abatement account does not have sufficient funds budgeted at this time for this action

RECOMMENDATION(S): Informal bid process shall be undertaken and lowest bid within a reasonable range shall be accepted; Town shall thereafter lien the subject property as a priority code enforcement lien to insure the recoupment of all incidental costs and lien.

Attachment(s):